

110TH CONGRESS
1ST SESSION

H. R. 2306

To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 18 and 188, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2007

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 18 and 188, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Minnesota Chippewa
5 Tribe Judgment Fund Distribution Act of 2007”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) On January 22, 1948, the Minnesota Chip-
2 pewa Tribe, representing all Chippewa bands in Min-
3 nesota except the Red Lake Band, filed a claim be-
4 fore the Indian Claims Commission in Docket No.
5 19 for an accounting of all funds received and ex-
6 pended pursuant to the Act of January 14, 1889, 25
7 Stat. 642, and amendatory acts (hereinafter referred
8 to as the Nelson Act).

9 (2) On August 2, 1951, the Minnesota Chip-
10 pewa Tribe, representing all Chippewa bands in Min-
11 nesota except the Red Lake Band, filed a number of
12 claims before the Indian Claims Commission in
13 Docket No. 188 for an accounting of the Govern-
14 ment's obligation to each of the member bands of
15 the Minnesota Chippewa Tribe under various stat-
16 utes and treaties that are not covered by the Nelson
17 Act of January 14, 1889.

18 (3) On May 17, 1999, a Joint Motion for Find-
19 ings in Aid of Settlement of the claims in Docket
20 No. 19 and 188 was filed before the Court.

21 (4) The terms of the settlement were approved
22 by the Court and the final judgment was entered on
23 May 26, 1999.

24 (5) On June 22, 1999, \$20,000,000 was trans-
25 ferred to the Department of the Interior and depos-

1 ited into a trust fund account established for the
2 beneficiaries of the funds awarded in Docket No. 19
3 and 188.

4 (6) The funds awarded in Docket No. 19 and
5 188 represent additional compensation that would
6 have been distributed per capita under the Nelson
7 Act if the funds had been deposited into the perma-
8 nent account established in the U.S. Treasury for
9 the Chippewa Indians of Minnesota. Hence, the
10 judgment funds shall be divided pro rata among the
11 Bands based upon the number of members enrolled
12 with each Band.

13 (7) Pursuant to the Indian Tribal Judgment
14 Funds Use or Distribution Act (25 U.S.C. 1401 et
15 seq.), the Secretary is required to submit to Con-
16 gress for approval an Indian judgment fund use or
17 distribution plan.

18 (b) PURPOSE.—It is the purpose of this Act to pro-
19 vide for the fair and equitable division of the judgment
20 funds among the Bands and to provide each Band the op-
21 portunity to develop a use and distribution plan for its
22 share of the funds.

23 **SEC. 3. DEFINITIONS.**

24 For the purpose of this Act:

1 (1) AVAILABLE FUNDS.—The term “available
2 funds” means the funds awarded to the Minnesota
3 Chippewa Tribe and interest earned and received on
4 those funds, less the funds used for payment of at-
5 torney fees and litigation expenses.

6 (2) BANDS.—The term “Bands” means the
7 Bois Forte Band, Fond du Lac Band, Grand Por-
8 tage Band, Leech Lake Band, Mille Lacs Band, and
9 White Earth Band.

10 (3) JUDGMENT FUNDS.—The term “judgment
11 funds” means the funds awarded on May 29, 1999,
12 to the Minnesota Chippewa Tribe by the Court of
13 Federal Claims in Docket No. 19 and 188.

14 (4) MINNESOTA CHIPPEWA TRIBE.—The term
15 “Minnesota Chippewa Tribe” means the Minnesota
16 Chippewa Tribe, Minnesota composed of the Bois
17 Forte Band, Fond du Lac Band, Grand Portage
18 Band, Leech Lake Band, Mille Lacs Band, and
19 White Earth Band. It does not include Red Lake
20 Band of Chippewa Indians, Minnesota.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 **SEC. 4. LOAN REIMBURSEMENTS TO CERTAIN BANDS.**

24 (a) IN GENERAL.—(1) The Secretary is authorized
25 to reimburse each Band the amount of funds plus interest

1 earned to the date of reimbursement that the Band con-
2 tributed for payment of litigation expenses and expert wit-
3 ness fees associated with the litigation of Docket No. 19
4 and 188 before the U.S. Court of Federal Claims.

5 (2) Reimbursement to a Band shall only be for litiga-
6 tion expenses and expert witness fees incurred prior to
7 June 22, 1999.

8 (b) CLAIMS.—The Band’s claim for reimbursement
9 of funds expended shall be—

10 (1) presented to the Secretary within 90 days
11 of the date of enactment of this Act,

12 (2) itemized and supported by invoices and re-
13 ceipts,

14 (3) certified by the Band as being unreim-
15 bursed to the Band from other funding sources, and

16 (4) paid with interest calculated at the rate of
17 5.5 percent per annum, simple interest, from the
18 date the funds were expended to the date the funds
19 are reimbursed to the Band.

20 (c) REVIEW.—The Secretary shall review the claims
21 and determine if the fees and expenses are properly docu-
22 mented and incurred in the litigation of the claims before
23 the Court in Docket No. 19 and 188. All claims approved
24 by the Secretary for reimbursement to the Band shall be

1 paid from the judgment funds prior to the division of the
2 funds under section 5.

3 **SEC. 5. DIVISION OF JUDGMENT FUNDS.**

4 (a) MEMBERSHIP ROLLS.—The Bands shall update
5 their membership rolls to include all enrolled members liv-
6 ing on the date of enactment of this Act. The membership
7 rolls shall be subject to the review and approval of the
8 Secretary.

9 (b) DIVISIONS.—After all funds have been reim-
10 bursed as provided under section 4, and the membership
11 rolls have been updated, reviewed, and approved under
12 subsection (a) of this section, the Secretary shall divide
13 the available judgment funds among the Bands in propor-
14 tion to the number of members enrolled with each Band.

15 (c) SEPARATE ACCOUNTS.—The Secretary shall es-
16 tablish a separate account for each Band and deposit each
17 Band's proportionate share of the available judgment
18 funds into their respective account.

19 **SEC. 6. DEVELOPMENT OF TRIBAL PLANS FOR THE USE OR**
20 **DISTRIBUTION OF FUNDS.**

21 (a) DISTRIBUTION PLANS.—The Secretary shall have
22 no more than 180 days from the date that the funds are
23 divided among the Bands under section 5 to prepare and
24 submit to the Congress, in a manner otherwise consistent
25 with the Indian Tribal Judgment Funds Use or Distribu-

1 tion Act (25 U.S.C. 1401 et seq.), separate plans for the
2 use and distribution of each Band's respective share of
3 the available funds.

4 (b) WITHDRAWAL.—Once a distribution plan be-
5 comes effective in accordance with subsection (a), a Band
6 may withdraw all or part of the monies in its account in
7 accordance with the Band's distribution plan.

8 (c) LIABILITY.—If a Band exercises the right to with-
9 draw monies from its account, the Secretary shall not re-
10 tain any liability for the expenditure or investment of the
11 monies withdrawn.

12 **SEC. 7. GENERAL PROVISIONS.**

13 (a) PREVIOUS OBLIGATIONS.—Funds disbursed
14 under this Act shall not be liable for the payment of pre-
15 viously contracted obligations of any recipient as provided
16 in Public Law 98–64 (25 U.S.C. 117b(a)).

17 (b) INDIAN JUDGMENT FUNDS DISTRIBUTED ACT.—
18 All funds distributed under this Act are subject to the pro-
19 visions in the Indian Judgment Funds Distributed Act (25
20 U.S.C. 1407).

